

REMARKS

Claims 1-85 are pending in the application. It is gratefully acknowledged that Claims 42, 45-52, 67-69 and 77-79 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner has rejected Claims 1, 2, 13, 20, 23, 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over Feller (U.S. Patent 6,298,326) in view of Archbold (U.S. Patent 6,604,124). The Examiner has rejected Claims 12, 22, 37, 38, 53, 57, 58, 60 and 70 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold and Klinefelter et al. (U.S. Patent Application Publication 2002/0069067 A1). The Examiner has rejected Claims 3, 4, 6, 8, 14, 24, 28, 29, 31 and 33 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold, Beck et al. (U.S. Patent 6,381,640) and further in view of Kahn et al. (U.S. Patent 6,122,614). The Examiner has rejected Claims 5, 7, 15, 30 and 32 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold, Beck et al. and Kahn et al. in view of well known prior art (M.P.E.P. 2144.03). The Examiner has rejected Claim 59 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold, Beck et al., Kahn et al., Klinefelter et al. and further in view of Force (U.S. Patent 6,704,716). The Examiner has rejected Claims 80-82 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Klinefelter et al. and Force. The Examiner has rejected Claims 39-41, 43, 44, 61-63, 65, 66, 71-73, 75, 76 and 83-85 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Klinefelter et al. and Force and Archbold. The Examiner has rejected Claims 9, 21 and 34 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold and further in view of Engelke (U.S. Patent 5,909,482). The Examiner has rejected Claims 16 and 18 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold, Beck et al. and Kahn et al. and further in view of Engelke. The Examiner has rejected Claim 54 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold and Klinefelter et al. and further in view of Engelke. The Examiner has rejected Claims 10 and 35 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold and Engelke and further in view of well known prior art (M.P.E.P. 2144.03). The Examiner has rejected Claim 55 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold and Klinefelter et al. and further in view of

well known prior art (M.P.E.P. 2144.03). The Examiner has rejected Claims 11, 25 and 36 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold and Alcendor et al. (U.S. Patent 6,546,082). The Examiner has rejected Claims 17 and 19 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold, Beck et al. and Kahn et al. and further in view of Alcendor et al. The Examiner has rejected Claim 56 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold, Klinefelter et al. and further in view of Alcendor. The Examiner has rejected Claims 64 and 74 under 35 U.S.C. §103(a) as being unpatentable over Feller in view of Archbold, Klinefelter et al. and further in view of Beck et al.

Feller discloses an off-site data entry system; Archbold discloses systems and methods for automatically managing workflow based on tracking job step completion status; Kahn et al. discloses a system and method for automating transcription services; Engelke discloses a relay for a personal interpreter; Beck et al. discloses a method and apparatus for automated personalization and presentation of workload assignments to agents within a multimedia communications center; and Klinefelter et al. discloses a system, method and apparatus for providing interpretive communication on a network.

In rejecting Claim 14 the Examiner states that Kahn et al. discloses a system for automating transcription services using Automatic Speech Recognition (ASR). Although Kahn et al. may disclose a system for substantially automating transcription services, the Examiner concedes in the allowable subject matter section on page 30 of the Office Action that the art of record does not determine, if no service agent is available, whether the user wishes to use Automatic Speech Recognition (ASR). It is respectfully submitted that the Examiner is correct in this analysis of Kahn et al.

Regarding Claim 59, it is respectfully submitted that the Examiner mistakenly applies Kahn et al. to reject the claim. Claim 59 recites that which the Examiner has found to be allowable and which is not disclosed by Kahn et al., namely that if no service agent is available whether the user wishes to use Automatic Speech Recognition (ASR). Based on at least the foregoing, withdrawal of the rejection of Claim 59 is respectfully requested.

Regarding the rejections of independent Claims 1, 20 and 26, these claims have been amended to recite that if the particular service agent is unavailable that the system or method further determines, based on user-based parameters, whether to use Automatic Speech Recognition (ASR) to perform the particular service. Kahn et al. is cited for its alleged teaching of the use of Automatic Speech Recognition (ASR) in providing a transcription service. As neither Kahn et al. nor any of the other cited references discloses or teaches determining if a user wishes to use Automatic Speech Recognition (ASR) to perform the particular service if a particular service agent is unavailable, withdrawal of the rejections of Claims 1, 20 and 26 is respectfully requested.

Regarding the rejection of independent Claims 38, 60 and 70, these claims have been amended to recite that if the particular service agent is unavailable that the system or method further determines whether the user wishes to use Automatic Speech Recognition (ASR) to perform the particular service. Kahn et al. is cited for its alleged teaching of the use of Automatic Speech Recognition (ASR) in providing a transcription service. As neither Kahn et al. nor any of the other cited references discloses or teaches determining, based on user-based parameters, whether to use Automatic Speech Recognition (ASR) to perform the particular service if a particular service agent is unavailable, withdrawal of the rejection of Claims 38, 60 and 70 is respectfully requested.

Regarding the rejection of independent Claim 14, this claim has been amended to recite that if the particular service agent is unavailable that the system or method further determines whether the user wishes to use Automatic Speech Recognition (ASR) to perform the particular service. Kahn et al. is cited for its alleged teaching of the use of Automatic Speech Recognition (ASR) in providing a transcription service. As neither Kahn et al. nor any of the other cited references discloses or teaches determining, based on user-based parameters, whether to use Automatic Speech Recognition (ASR) to perform the particular service if a particular service agent is unavailable, withdrawal of the rejection of Claim 14 is respectfully requested.

Regarding the rejection of independent Claim 80, this claim has been amended to recite that if the particular service agent is unavailable that the system or method further determines whether the user wishes to use Automatic Speech Recognition (ASR) to perform the particular service. Kahn et al. is cited for its alleged teaching of the use of Automatic Speech Recognition (ASR) in providing a transcription service. As neither Kahn et al. nor any of the other cited references discloses or teaches determining, based on user-based parameters, whether to use Automatic Speech Recognition (ASR) to perform the particular service if a particular service agent is unavailable, withdrawal of the rejection of Claim 80 is respectfully requested.

Regarding the rejection of independent Claim 83, this claim has been amended to recite that if the particular service agent is unavailable that the system or method further determines, based on user-based parameters, whether to use Automatic Speech Recognition (ASR) to perform the particular service. Kahn et al. is cited for its alleged teaching of the use of Automatic Speech Recognition (ASR) in providing a transcription service. As neither Kahn et al. nor any of the other cited references discloses or teaches determining if a user wishes to use Automatic Speech Recognition (ASR) to perform the particular service if a particular service agent is unavailable, withdrawal of the rejection of Claim 83 is respectfully requested.

Finally, new Claims 86 and 87 have been added to claim an electronic badge is utilized for user identification, and that the service is provided through a wireless network, respectively. No new matter has been added. It is respectfully submitted that Claims 86 and 87 are in condition for allowance.

Independent Claims 1, 14, 20, 26, 38, 59, 60, 70, 80 and 83 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-13, 15-19, 21-25, 27-37, 39-58, 61-69, 71-79, 81, 82, 84 and 85, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-13, 15-19, 21-25, 27-37, 39-58, 61-69, 71-79, 81, 82, 84 and 85 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-87, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", with a stylized flourish at the end.

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